92-2053

Supreme Court, U.S.
MAY 21 1993
OFFICE OF THE CLERK

CASE NO.: _____

IN THE

SUPREME COURT

OF THE

UNITED STATES

OCTOBER TERM, 1992

LANNY B. PINDER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

STEPHEN A. LeCLAIR, ESQ.
2450 N.E. Miami Gardens Drive
Second Floor
Miami, Florida 33180
(305) 932-0550

Counsel for the Petitioner

QUESTIONS PRESENTED FOR REVIEW

1. Whether the decision of the Eleventh Circuit Court of Appeals affirming the district court's denial of the Petitioner's motion to dismiss for violation of his Fifth Amendment right to be free from being tried twice for the same offense is in direct conflict with Rinaldi v. United States, 434 U.S. 22, 98 S.Ct. 81, 54 L.Ed.2d 207.

LIST OF INTERESTED PARTIES

TRIAL JUDGE	William J. Zloch
PETITIONER	Lanny B. Pinder
UNITED STATES OF AMERICA	Karen Atkinson, Assistant United States Attorney
ATTORNEY FOR PETITIONER	Stephen A. LeClair, Esq.
ALLEGED VICTIMS	None

PUBLISHER'S NOTE:

THE FOLLOWING PAGES WERE UNAVAILABLE FOR FILMIN

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CASE NO.: _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

LANNY B. PINDER

Petitioner/Appellant,

vs.

UNITED STATES OF AMERICA,

Respondent/Appellee

PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH JUDICIAL CIRCUIT

The Petitioner, LANNY B. PINDER, petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit in this case.

OPINIONS BELOW

The Judgment of the District Court is reprinted herein. (App.1+2). The district court's ruling on the Petitioner's Motion to Dismiss, and its Findings of Fact and Conclusions of Law were made orally. The opinion of the Court of Appeals for the Eleventh Circuit affirming the Judgment of the District Court in United States v. Pinder, was rendered on February 24, 1993. The Mandate issued on March 22, 1993.

JURISDICTION

This petition arose in the first instance from criminal charges filed in the District Court for the Southern District of Florida. The Judgment in a Criminal Case rendered by the Court (App.1+2) was appealed to the United States Court of Appeals for the Eleventh Circuit pursuant to the jurisdiction vested in the Court by 28 U.S.C. 1291.

This court has jurisdiction over this

petition pursuant to 28 U.S.C. 1254.

CONSTITUTIONAL PROVISIONS, STATUTES, AND REGULATIONS INVOLVED

Constitution of the United States, Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

STATEMENT OF THE CASE

(i) The Petitioner, LANNY PINDER, was named in an eight (8) count

superseding indictment returned by a Federal Grand Jury sitting in West Palm Beach, Florida on October 18, 1988. Mr. PINDER was charged together with twenty-eight (28) other individuals with a series of violations of federal law relating to importation and possession with intent to distribute a quantity of marijuana.

This Defendant was named in Counts I and VI of the superseding indictment. Count I charged that LANNY PINDER was a member of a conspiracy to import approximately fifteen thousand (15,000) pounds of marijuana into the United States during the period from as early as February, 1985 until approximately December, 1985, in violation of Title 21 United States Code, Section 963. Count VI charged him with importing ten (10) bales of marijuana weighing approximately five hundred (500) pounds into the United States on May 26, 1985 in violation of

Title 21, United States Code, Section 952(a) and 960(a)(1) and Title 18, United States Code, Section 2.

Arraignment on these charges was held on November 2, 1988, and at that time, the Defendant pled not guilty to each of the charges lodged against him. Thereafter, on May 10, 1991, the Defendant, LANNY PINDER, and six (6) of his Co-Defendants began their trial by jury before the Honorable William J. Zloch in Fort Lauderdale.[1]

(ii) The evidence presented at trial related to an effort to import marijuana into the United States from the Bahamas during Memorial Day weekend, 1985. This smuggling venture began in early 1984 when the government's lead informant witness, Michael Ray Roberts met with a Co-

---

[1] Two of those Co-Defendants, Harry Johnson and Michelle McPhilomy Nelson were severed from the trial after the close of the evidence as a result of an injury suffered by their attorney.

Defendant, Frank Grasso, at Georgetown, Great Exuma, Bahamas. Later in 1984, Grasso contacted Roberts and asked him to become involved in an effort to import over ten thousand (10,000) pounds of marijuana into the United States.

Thereafter, in early 1985, Roberts went to Nassau, Bahamas to inspect the vessel "Pecunia", which was eventually used as a storage place for the marijuana brought into South Florida during and after Memorial Day weekend 1985. Friday of Memorial Day weekend, Avon, Keith and Lanny Pinder left the Riviera Beach Marina together with Nicki and Nelson Gosman aboard the vessel "Early Riser" destined for Jack Tar Village in West End, Bahamas. The following day these Defendants, together with others including Bart Terrell and Hunt Edwards as well as Edward Shouten left West End for Walter's Cay where they met the vessel "Pecunia".

Thereafter, this group of individuals unloaded some two-hundred and ninety-six (296) bales of marijuana from the sailboat "My Linda II" and transhipped it to the "Pecunia".

The following day the Petitioner, LANNY PINDER, together with Donnie McCarty, a Co-Defendant who pled guilty prior to trial, loaded the ten (10) bales of marijuana onto the Early Riser and departed for the United States. As Mr. LANNY PINDER and Mr. McCarty entered the St. Lucie Inlet they were approached by Philip Wayne Newhouse, a Marine Supervisor with the Martin County Sheriff's Department, who conducted a registration and safety check of the "Early Riser", discovered the ten (10) bales stored aboard the vessel and placed both the Petitioner, LANNY B. PINDER, and McCarty under arrest for trafficking in excess of one hundred (100) pounds of marijuana into

Martin County. The total weight of the substances found aboard the "Early Riser" was five hundred twenty-seven point four (527.4) pounds, and after being analyzed it was found to be marijuana. Subsequently, on November 13, 1985, the Petitioner, LANNY PINDER, pled no contest to the charges filed against him by the State of Florida in Martin County and was sentenced to a three and one half year period of imprisonment.

While the Petitioner, LANNY PINDER, and the "Early Riser" were in custody, Philip Carter brought the vessel "Miss Ann" into Ft. Pierce with approximately fifty (50) bales of marijuana, and additional bales were brought in aboard a vessel owned by Harry Johnson. Following the completion of this effort, Roberts returned to the United States with additional marijuana. Approximately one week later Roberts, Carter and William

Davenport brought the last fifty (50) bales of marijuana from the "My Linda II" into South Florida.

After the presentation of all of the evidence, the arguments of counsel and the court's instructions, the jury retired to commence their deliberations and on June 13, 1991, they returned their verdicts finding the Defendant, LANNY PINDER, guilty of the charges contained in Counts I and VI of the superseding indictment.

Whereupon, the Defendant was set for sentencing on August 23, 1991, and upon completion of the Probation Department's Pre-Sentence Investigation Report, the Defendant filed his Motion to correct that report, pursuant to the provisions of Rule 32 of the Federal Rules of Criminal Procedure. Sentencing was continued to August 26, 1991, and at that hearing the trial court ordered the Defendant imprisoned for a period of fifteen (15)

years as to Count I and twelve (12) years as to Count VI with those sentences to run consecutively. Additionally, the Defendant received a three (3) year special parole term on Count VI and was ordered to pay a special assessment of one hundred ($100.00) dollars. (Appendix 5-9).

The Petitioner timely filed his Notice of Appeal on August 28, 1991. (Appendix 3+4) The opinion of the Court of Appeals for the Eleventh Circuit, affirming the judgment of the District Court, was rendered on February 24, 1993 (App. 3) and on March 22, 1993, the mandate issued.

REASONS FOR GRANTING THE WRIT

(i) The Fifth Amendment to the United States Constitution guarantees the Defendant the right to be free from being twice put into jeopardy for the same offense. This section of the Fifth Amendment, commonly referred to as the

Double Jeopardy Clause, has long been recognized to be one of the most fundamental rights guaranteed to citizens in this country and is one of the pillars of our concept of justice.

In determining whether a particular second prosecution actually constitutes double jeopardy, the analysis employed by this Court in Blockburger v. United States, 284 U.S. 299, 52 S.Ct. 180, 76 L.Ed 306 (1932) has long been the applicable standard. In that case, the Court stated that "the test to be applied to determine whether there are two offenses or only one, is whether each provision requires proof of a fact which the other does not." Blockburger v. United States, supra, at 304.

In this case, the Defendant's state court conviction for trafficking in marijuana was a violation of Florida Statute 893.135(1)(a) which provides in

pertinent part:

> Any person who knowingly sells, purchases, manufactures, delivers or brings into this state, or who is knowingly in actual or constructive possession of, in excess of 100 pounds of cannabis is guilty of a felony of the first degree, which felony shall be known as "trafficking in cannabis." (emphasis added)

In order to establish Mr. PINDER's guilt of that offense, the state was required to prove as part of its case that the Defendant knowingly brought a substance into Florida, that the substance was cannabis and that the quantity of cannabis involved was in excess of one hundred (100) pounds. Further, in order to establish the Petitioner's guilt of Count VI of the indictment which is the subject of this writ, the United States was required to prove only that the Defendant imported marijuana into the United States from a place outside thereof and that he did so knowingly and willfully. Thus, it is unquestionable that the elements of the

offenses charged in these two (2) cases are identical and, therefore, it is clear that the Blockburger test has in all respect been satisfied. There is no element of the case proven by the United States herein which is in any real or material sense different from the proof previously presented by the State of Florida.

More recently, this Honorable Court has expanded the analysis of double jeopardy beyond the rigid strictures of Blockburger and has held that a second prosecution should be barred if the prosecution sought to prove an essential element in the second case "by proving the conduct for which the Defendant was convicted in the first prosecution." Grady v. Corbin, 495 U.S. 508, 110 S.Ct. 2084, 2087, 109 L.Ed.2d 548 (1990), See also, Illinois v. Vitale, 447 U.S. 410, 100 S.Ct. 2260, 65 L.Ed. 2d 228 (1980).

In Grady, supra, the Defendant had entered a plea of guilty to misdemeanor traffic violations arising from an auto accident which resulted in the death of another. Thereafter, the State sought to obtain a conviction of that Defendant on the more serious felony charge of negligent homicide and third degree reckless assault. In overturning Corbin's conviction on the felony charges this Court held that the second prosecution was barred because the state proved the felony offense by introducing testimony which of necessity proved the conduct for which the Defendant has already been convicted.

In the case at bar, it is beyond dispute that the offense for which Mr. PINDER stands convicted under Count VI of this indictment is the same as the offense for which he served a period of incarceration in the prisons of the State of Florida. Further, the testimony used

to obtain those convictions was likewise the same.

The Defendant recognizes that the State of Florida and the United States, are, in fact, separate sovereigns and that the concept of dual sovereignty does permit duplicity of charges and has been found not to inherently constitute double jeopardy. However, the analysis cannot end there. One of the greatest concerns that our system has long held regarding successive prosecutions is that repeated attempts to convict an individual for the same offense of necessity subjects a Defendant to embarrassment, emotional torment and a continuing state of anxiety, insecurity, embarrassment and persecution. It is with this feeling of "waiting for the other shoe to drop" in mind that this Court recognized "the potential for abuse in a rule permitting duplicate prosecutions." Rinaldi v. United States,

434 U.S. 22, 28 (1977).

However, at the time this Court reached its decision in Rinaldi supra, it surely believed that the Department of Justice had a general policy in place which discouraged multiple prosecutions arising from a single transaction. Petite v. United States, 361 U.S. 529 (1960). Such a policy is logical and necessary, not only in the interest of fairness to the Defendant, but also out of the necessity for efficiently using the limited judicial resources available.

In Rinaldi, supra, the trial court became aware of a violation of the Petite policy during the questioning of the prosecutor concerning the need for a Federal prosecution in light of the Defendant's prior state court conviction. A violation of the Petite policy was discovered and it led the Government to join in the Defendant's request for a

dismissal of the charges. This is perhaps the leading example of the importance of severely restricting the Government's right to engage in successive prosecutions as well as the necessity to monitor compliance and assure the process is followed in good faith.

Earlier, in 1959, the Department of Justice refused to permit its prosecutors to bring federal prosecutions for violations that had already resulted in State Court convictions unless the second prosecution could be shown to advance "compelling interests of Federal law enforcement." Department of Justice press release, April 6, 1959. (emphasis added)

No compelling interest in a successive federal prosecution can be shown in this case. At the time these Federal charges were filed, the Defendant had pled, been adjudicated, sentenced and completed service of the State sentence.

He had no remaining right to appeal the State conviction and no other available avenue of attack upon the continuing validity of that state court conviction.

Further, during the trial of this case, when asked in open court and on the record what compelling reasons existed for the second prosecution, the Assistant United States Attorney responsible for prosecuting this case advised the trial court that there remained an unsatisfied federal interest because Mr. PINDER "wasn't prosecuted for importation" and because she felt that the State Court prosecution didn't cover his full involvement in the charged venture.

With respect to the first allegation, the prosecutor was obviously mistaken, since, as discussed above, importation is exactly the act of trafficking with which Mr. PINDER was charged, to which he pled, and for which he was sentenced in State

Court. As Mr. Newhouse testified during the trial of this case Mr. PINDER, together with Mr. McCarty, brought 10 bales of marijuana into Florida and the United States at the St. Lucie inlet in Martin County, Florida. Clearly, applying the test established in Blockburger v. United States, supra, and the subsequent analysis found in Grady v. Corbin, supra, the Defendant has faced trial twice for the same charge.

The second response offered by the prosecutor, in response to the trial court's question, is equally without merit through, at least more factually accurate. Unquestionably, the petitioner's state court conviction did not cover what the United States government believed to be LANNY PINDER's full involvement in the smuggling venture which centered around Memorial Day weekend 1985. Bluntly, neither did Count VI of the superseding

indictment. The full scope of his involvement in the smuggling venture was, however, covered by Count I of the superseding indictment which charged him with conspiracy to import marijuana during the period from February 1985 through December, 1985. Mr. PINDER stands convicted of that charge (Count I) and the Petitioner does not now, and has never, challenged that charge or conviction on double jeopardy grounds. In fact, Mr. PINDER has always acknowledged, not only the Government's right to try him on the conspiracy, but also its right to offer evidence regarding the May 26, 1985 importation aboard the "Early Riser" as part of its proof of the conspiracy charge.

If there had been some basis upon which the Petitioner could have prevented the testimony regarding the "Early Riser" importation from being introduced to prove

the conspiracy, or if there were some legal theory under which another Defendant could have avoided prosecution on Count VI without LANNY PINDER also being charged, then the Petitioner would concede that there was, beyond a doubt, a substantial and compelling interest of federal law enforcement which justified a second prosecution of Mr. PINDER. See, Rinaldi v. United States, supra. No such rationale can be found in this case.

Moreover, the testimony concerning the Early Riser importation was admissible as an act in furtherance of the conspiracy charged in Count I and no Defendant did or could have avoided prosecution on Count VI had the Government chosen to protect LANNY PINDER's right not to be tried twice for the same crime. No good faith basis for this successive prosecution has or can be shown. There is no compelling federal interest served by the conviction on Count

VI of this indictment and this Court cannot permit the Petite policy and the reasons for its existence to be undermined by permitting dual prosecutions to become a matter of routine. Strict adherence to the requirement that there be a good faith belief that a compelling federal interest is being served by a successive prosecution, is essential to eliminate the "potential for abuse" which so concerned the Rinaldi Court.

Some have suggested that this Court's decision in Rinaldi has little, if any, significance because the Department of Justice policy cannot be enforced by an individual who has been victimized by the Government's failure to apply the policy in good faith. See, United States v. Woodard, 927 F.2d 433 (8th Cir. 1991); United States v. Bartlett, 856 F.2d 1071 (8th Cir. 1988). To accept this proposition is to ignore the grave

concerns this Court expressed in Rinaldi when it said that dual state-federal prosecution should be permitted "only in instances of peculiar enormity or where public safety demanded extraordinary rigor". Rinaldi v. United States, supra, at 434 U.S. 27-28, 98 S.Ct. 84.

The mere existence of a policy designed to prevent unnecessary and abusive dual prosecutions is not enough. There must be a method by which this Court can assure itself that what happened in this case does not become routine. The concerns previously expressed by this Court regarding successive prosecutions for the same crime are not allayed when the Department of Justice engages in nothing more than an exchange of form letters. There is no compelling federal interest served by Mr. PINDER's trial on Count VI of this indictment and when asked the prosecutor was unable to express one.

If the Petite policy has been reduced to nothing more than an exchange of pro forma letters within the Department of Justice, with no one to oversee the process, in order to assure that the Government is acting in good faith and limiting its approval of dual prosecutions to these cases in which a compelling federal interest can be shown, it is time to review this area, admit that the Petit policy no longer works and restore the judiciary to its proper role as an independent monitor protecting both the prosecutor's compelling interests and the Petitioner's Constitutional rights.

A governmental department or agency authorized to set its own limits has no limits. As this Court observed in Rinaldi:

> . . . we fail to seek how rewarding those responsible for the Petit policy violation with a conviction serves to deter prosecutorial misconduct. Indeed, a result which leaves intact a conviction obtained

> through a prosecution tainted by bad faith may encourage repetition of a improprietary disclosed by the record in this case.

Rinaldi v. United States, 434 U.S. 21, 31 54 L.Ed.2d 207, 215 n. 17 (1977).

If the Petit policy is no longer able to protect our citizens from the unfairness associated with successive prosecutions based on the same conduct, new checks and balances must be created to protect our most sacred right. These rights are far too important and cherished to be left to the mere whim of a paper pushing bureaucrat. Our fundamental concepts of justice mandate that Mr. PINDER not be punished twice for the same offense and his conviction on Count VI of this indictment must be reversed.

CONCLUSION

For all of the foregoing reasons, the Petition for Writ of Certiorari should be granted.

Respectfully Submitted,

STEPHEN A. LECLAIR, ESQUIRE
Entin, Schwartz & Margules
2450 N.E. Miami Gardens Drive
Second Floor
Miami, Florida 33180
(305) 932-0550

PROOF OF SERVICE

COMES NOW, Stephen A. LeClair, Esq., on behalf of the Petitioner, LANNY PINDER, and states to this Court:

1) That on May __, 1993, the attached Writ of Certiorari submitted on behalf of the Petitioner was mailed at the United States Post Office, Miami, Florida.

2) I certify that a true and accurate copy of the foregoing Petition for Writ of Certiorari has been furnished to Kenneth

Starr, Solicitor General of the United States, 10th and Constitution, N.W., Washington, D.C. 20530.

3) Said statement is being submitted to this Court pursuant to Rule 28.2 of the Rules of the Supreme Court.

STEPHEN A. LECLAIR, ESQUIRE
Entin, Schwartz & Margules
2450 N.E. Miami Gardens Drive
Second Floor
Miami, Florida 33180
(305) 932-0550

SWORN TO AND SUBSCRIBED before me this ____ day of May, 1993.

NOTARY PUBLIC, STATE OF FLORIDA

My commission expires:

CASE NO.: _____

IN THE

SUPREME COURT

OF THE

UNITED STATES

OCTOBER TERM, 1991

LANNY PINDER

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

APPENDIX

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 88-8058-CR-ZLOCH

UNITED STATES OF AMERICA,

Plaintiff,

v. NOTICE OF APPEAL

LANNY BASIL PINDER,

Defendant.
_____/

COMES NOW, the Defendant, LANNY BASIL PINDER, by and through his undersigned counsel and hereby files this, his Notice of Appeal from the Judgment and Commitment Order dated August 26, 1991.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to: Karen Atkinson, Esquire, Assistant United States Attorney, 701 Clematis Street, West Palm Beach, Florida 33401, this 22nd day of August, 1991.

ENTIN, SCHWARTZ & MARGULES, P.A.
Attorney for Defendant
2450 N.E. Miami Gardens Drive
Second Floor
Miami, Florida 33180
(305) 932-0550
(305) 761-7201

By:_____
STEPHEN A. LeCLAIR, ESQ.
Florida Bar No. 0219657

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NUMBER: 88-8058-CR-ZLOCH

UNITED STATES OF AMERICA

V.

PRE-GUIDELINE
JUDGMENT IN
A CRIMINAL CASE

LANNY BASIL PINDER
SS#261-56-3228
34 West 27th Street
Riviera Beach, FL

Stephen LeClair, Esquire
Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

[[] guilty [] nolo contendere] as to count(s) _____, and [] not guilty as to count(s) _____.

THERE WAS A:

[[] finding [] verdict] of guilty as to count(s) 1 & 6.

THERE WAS A:

[[] find [] verdict] of not guilty as to count(s) _____.
[] judgment of acquittal as to count(s) _____.

The defendant is acquitted and discharged as to this/these count(s).

THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF:

Ct 1 - conspiracy to import marijuana 21:963 12/85

Ct 2 - importation of marijuana 21:960 5/85

IT IS THE JUDGMENT OF THIS COURT THAT: the defendant is hereby committed to the custody of the Attorney General of the United States or his authorized representative for imprisonment for a term of 15 years as to Count I.

IT IS FURTHER ADJUDGED as to Count 6, the defendant is hereby committed to the custody of the Attorney General of the United States or his authorized representative for imprisonment for a term of 12 years.

SAID sentence on Count 6 is to run consecutively with the sentence imposed on Count 1.

IT IS FURTHER ORDERED AND ADJUDGED that the defendant serve a special parole term of three years as to Count 6.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed.

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

(1) refrain from violation of any law (federal, state, and local) and get

in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;

(2) associate only with law-abiding persons and maintain reasonable hours;

(3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work notify your probation officer at once, and consult him prior to job changes.)

(4) not leave the judicial district without permission of the probation officer;

(5) notify your probation officer immediately of any changes in y our place of residence;

(6) follow the probation officer's instructions and report as directed.

The court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total special assessment of $100 pursuant to Title 18, U.S.C. Section 3013 for count(s) 1 & 6 as follows: Immediately.

IT IS FURTHER ORDERED THAT counts _____ are DISMISSED on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a

fine, restitution or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments and costs are fully paid, the defendant shall immediately notify the United States attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the clerk of the court deliver a certified copy of this judgment to the United States marshal of this district.

[] The Court orders commitment to the custody of the Attorney General and recommends:

8/26/91
Date of Imposition of Sentence

_____
Signature of Judicial Officer

WILLIAM J. ZLOCH, U.S. DISTRICT JUDGE
Name and Title of Judicial Officer

8/29/91
DATE

RETURN

I have executed this Judgment as follows:

_____

_____

_____.

Defendant delivered on _____ to _____
Date

_____ at _____

_____, the institution designated by the Attorney General, with a certified copy of this Judgment in a

Criminal Case.

_____
United States Marshal

By:_____

(2)

Supreme Court, U.S.
FILED
MAY 21 1993
OFFICE OF THE CLERK

92-2053

CASE NO.: _____

IN THE

SUPREME COURT

OF THE

UNITED STATES

OCTOBER TERM, 1991

LANNY PINDER

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

SUPPLEMENTAL APPENDIX

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Judgment from U.S. Court of Appeals for the Eleventh Circuit . . .	10+11

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

NO: 91-5758

D.C. DOCKET NO. 88-8058-CR

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

CLAUDE AVON PINDER,
LANNY BASIL PINDER,

Defendant-Appellants.
_____/

APPEALS FROM THE UNITED STATES
DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

Before HATCHETT and BLACK, Circuit Judges, and DYER, Senior Circuit Judge.

JUDGMENT

These causes came to be heardon the transcript of the record from the United States District Court for the Southern District of Florida, and were argued by counsel;

UPON CONSIDERATION WHEREOF, it is now hereby ordered and adjudged that this Court that the judgments of conviction of the said District Court in these causes be and the same are hereby AFFIRMED.

Entered: February 24, 1994
For the Court: Miguel J. Cortez,
Clerk

By: /s/Karleen McNabb
Deputy Clerk

ISSUE AS MANDATED: March 22, 1993